

Board of Naturopathic Examiners

Monday, January 28, 2019 @ 9:00 AM

Public Minutes

The January 28, 2019 public meeting of the Board of Naturopathic Examiners (the “Board”) convened at 9:05 a.m. at the Office of Professional Licensure and Certification, 121 South Fruit St., Concord, NH with the following members present:

Deborah Sellars, N.D. Chair
Erik Nelson, N.D.,
Laura Chan N.D.
Jacqueline Yang, ND

Absent: Glee Corsetti Hooper

Upon motion made by Erik Nelson, N.D., with a second by Laura Chan, N.D., the Board approved the public minutes of the December 17, 2018 meeting as amended. ~ *Motion Approved*

ADMINISTRATIVE

The Board requests that a representative from the Board of Pharmacy be scheduled for the February, 2019 meeting to review guidelines for compounding practices.

Board members were reminded that the Financial Disclosure forms for 2019 need to be completed before leaving the meeting.

Upon motion by Laura Chan, N.D., with a second by Jacqueline Yang, N.D., the Board voted Deborah Sellars, N.D., as the Chair for Naturopathic Examiners. ~ *Motion Approved*

The Board discussed changing the number of CEU’s needed for a license renewal from 45 to 30. The Board voted that no change in continuing education is needed. ~ *Motion Approved*

The Board asked for an update on the Criminal History Record Checks which is mandated by RSA 328-E:9-a. The State Police needs to amend their statutes to reflect this change as well.

FNMRA – No action is required; this item was reviewed at the December, 2018 Board meeting.

Motion to commence 1st Non-Public Session:

On motion at 9:45 a.m. of Laura Chan, seconded by Erik Nelson, the Board voted to conduct a non-public session for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business and noting that such a non-public session is authorized by RSA 91-A:3, II (c), RSA 91-A:3 II (e), RSA 91-A:5, IV,

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RSA 329:18, I, RSA 329:18-a, IV, RSA 329:29, Lodge v. Knowlton, 119 N.H. 574 (1978), and the Board's executive and deliberative privileges.

1st Non-Public Session:

[Minutes kept separately]

Motion to keep minutes of 1st non-public session confidential:

Upon the motion at 10:00 a.m. by Jacqueline Yang, N.D., with a second by Deborah Sellars, N.D., the Board voted to withhold and seal the minutes of the preceding non-public session from public disclosure pursuant to RSA 91-A: 3 III, that divulgence of the information likely would affect adversely the reputation of a person other than a Board member and to render the proposed action ineffective. Each member recorded his or her vote on the motion, which passed by the unanimous vote of all members present.

Refer to the compilation of audit observations and corresponding board actions provided by Erik Nelson, N.D., on 1/22/19

AUDIT / PUNCH LISTS & STATUS

Attorney Thomas Broderick met with the Board to review rules as a result of the audit and Naturopathic law changes.

Observation 1: Define and Communicate the Scope of Practice for Naturopaths

Board Actions: The Board has expanded the definitions to be inserted in NAT 102

Attorney Broderick will draft a revised Scope of Practice and other definitions for the Board to review and approve.

~In Process

Observation 2: Establish controls over otherwise unregulated drugs and related activities.

Board Actions: HB 1606 amends RSA 318:9-a Inspectional Services: The Pharmacy Board shall provide inspectional services under this chapter and RSA318-B:25.

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~Completed

Board Actions: The Board will discuss the Jurisprudence exam at the February 25, 2019 meeting for new licensees and reciprocity.

~In process

Observation 3: Improve Controls over the Formulary

Board Actions: The Board has drafted new rules regarding the Formulary Council; Attorney Broderick will put a draft of the rules together for the Board to approve.

Board Actions: The Board will be incorporating a form for requesting changes to the Formulary.

~ Completed

Observation 4: Oversee Naturopaths subject to PDMP Registration.

Board Actions: The Board and OPLC have adequately addressed this with new procedures and nominated a board member to represent the Naturopathic Examiners at PDMP.

~Completed

Observation 5: The Office of Professional Licensing (OPLC) / Jurisprudence (exam)

Board Actions: To be discussed at the February 25, 2019 meeting

~In Process

Observation 6: Issue Licenses for the Statutorily-required two-year period

Board Actions: Practice has been discontinued and corrected.

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~Completed

Board Actions: The Board is amending NAT 402.07 Continuing Education Requirements as referenced in RSA 328-E:13, II.

~In Process

Observation 7: Improve License Renewal Practices and Ensure Standards are met.

Board Actions: OPLC implementation of the Licensing Program My Licensing Office (MLO) which will ensure timely acknowledgement and processing of renewal applications.

~Completed

Board Actions: Will need to update rules for online licensing and renewals.

~In Process

Observation 8: Improve Continuing Education Management Practices and Ensure Standards are met.

Board Actions: Amendment of NAT 402.07 Continuing Education Requirements in process.

~Completed

Observation 9: Improve Practices for Issuing and Renewing Specialty Certification and Ensure Standards are met.

Board Actions: The Board has developed a specialty License checklist as a guide to review applications and requirements for specialty licenses.

~Completed

Board Actions: Rule Nat 303: Licensure by Reciprocity – no change to current rule language.

~Completed

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Observation 10: Improve Management of Complaints, Investigations, and Enforcement.

Board Actions: The Board of Naturopathic Examiners may issue letters of concern; these letters are non-disciplinary and non-public record.

Question: RSA 328-E:14, Does the Board have the authority to investigate individuals who call themselves a Naturopathic Doctor but are not licensed?

~In Process

Observation 11: Develop and Formalize Council Operations

Board Actions: Addressed under observation #3

~Completed

Observation 12: Ensure Quorum Requirements are met

Board Actions: The Board quorum requirement is 3.

~Completed

Observation 13: Comply with the Right – to – Know Law

Board Actions: OPLC has enacted policies to be met by the Board Administrators. Also, APU office conducts annual training for Board Members.

~Completed

Observation 14: Develop Ethical Standards and Formalize Policy for Board and Council Operation

Board Actions: Naturopathic Examiners website has all laws, rules, meeting, actions and forms for the profession. The information is accessible to applicants, licensees and public. The website also has a FAQ section.

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~Completed

Observation 15: Improve Board Rules

Board Actions: The Board works with Attorney Broderick to update the rules.

~In process

Observation 16: Comply with Generally-applicable Administrative Statutes

Board Actions: Board members are given a binder with Laws, rules, forms, processes and other important information. The binders are updated on a regular basis and new board members are trained.

~Completed

Observation 17: Improve Records Management

Board Actions: The OPLC Executive staff has delegated personnel to track and manage applications, recordkeeping, processing of Board Meeting and actions.

~Completed

Observation 18: Clarify and Codify terms and Conditions of Administrative Support.

Board Actions: OPLC is responsible for developing the mission statement, following accounting practices, and implementing processes that will monitor such practices.

~Completed

HEARING

No pending hearings at this time

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QUESTIONS/CORRESPONDENCE

Question 1 (from Esther Roy, ND)

I need to know if there is a provision in NH to retire a Naturopathic license for a period of time while not actively practicing. It is my understanding that in other states, retiring a license allows the license to stay on file and should they wish to reinstate the license and actively practice again, they need to provide proof of CEU credits for the entire period of retirement but not have to retake any board exams. I have a current license but am not actively practicing at the moment and would like to maintain my license (eg take all the necessary ceu credits) but not have the licensing fees, seeing as I am not currently using the license.

Answer 1: If an individual would like to retire for a period of time the license would lapse. If the applicant decides to become licensed again the applicant would need to follow the rules for reinstatement of a lapsed license under Nat 403.01. Applicants are not required to retake the exam.

Question 2 (from Ian Bier, ND)

If I'm reading it correctly, the current rules state that we are required to get 45 credit hours in 3 years.

Nat 405.02 Continuing Education Requirements

- (a) Every 3 years licensees shall complete 45 credit hours of continuing education in accordance with (b), (c) and (d) below.
- (b) Of the required 45 credit hours at least 12 shall be credit hours in pharmacology or pharmacognosy.
- (c) If licensees hold specialty certificates in naturopathic childbirth or acupuncture, at least 12 of the required 45 credit hours shall be attributable to courses specifically related to the licensees' fields of specialty.
- (d) The required 45 credit hours shall be attributable to the courses and types of courses set forth in Nat 405.03.

The new law doesn't mention the hours, so there is not actually a contradiction, other than every 2 years I have to have 3 hours of pain/management or addiction.

328-E:13 License Renewal and Continuing Education. –

I. The license to practice naturopathic medicine shall be renewed biennially. A fee in the amount of \$300 shall accompany the application for renewal.

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every 2 years that the licensee has completed an approved continuing

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naturopathic medical education program within the preceding 2 years. For the purposes of this section an "approved continuing naturopathic medical education program" means a

program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board. Such program shall include not less than 3 hours of education in pain management or addiction disorders, or a combination thereof.

Source. 1994, 392:1. 2014, 167:29, eff. July 1, 2014. 2018, 80:8, eff. July 24, 2018.

So, assuming that changes to the rules don't happen prior to the summer license renewal, what I read is that I have to show proof every 2 years that I completed an approved CE program, which is 45 credit hours in the preceding 3 years, except for pain

management/addiction, which is 3 hours every 2 years. There is nothing here that says that the requirement for CE is increased to 45 hours in each 2 year period.

Or am I missing a piece?

Answer 2: The Board of Naturopathic Examiners (the "Board") is notifying all licensees that, by law, the requirements for continuing education have changed. In 2018, the law on continuing education was amended to require the following:

328-E:13 License Renewal and Continuing Education. –

II. As a condition of renewal of license, the board shall require each licensee to show proof at least every 2 years that the licensee has completed an approved continuing naturopathic medical education program within the preceding 2 years. For the purposes of this section an "approved continuing naturopathic medical education program" means a program designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice, which has been certified by a national or state naturopathic medical society or college or university and approved by the board. Such program shall include not less than 3 hours of education in pain management or addiction disorders, or a combination thereof.

Naturopathic Doctors must follow all applicable statutory requirements, including the above continuing education provision requiring proof of a completed qualifying program within the preceding two years. Given this recent legislative change, the Board continues to take action to bring its administrative rules into compliance with the law.

Question 3 (from Matt Michaud)

I realize that I am writing very late and may not have reached your office in time. I am looking to receive a letter from New Hampshire to the NABME, to receive permission to take the naturopathic national boards. I have not completed the exam in five years since graduating. They require a letter saying that I am still eligible in my state. Their format is bolded below:

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NABNE requires receipt of a letter from the regulatory authority in the jurisdiction in which you intend to practice that states the following:

"If [candidate] passes the NPLEX Part I and the NPLEX Part II examinations by [date], the [licensing authority] will consider her/him to have met the examination requirement and will accept her/his application for licensure.*

*Passage of the NPLEX does not guarantee eligibility for licensure, as several other requirements must also be met (e.g., passing a jurisprudence or other examination, clearing a background check, etc.) before the applicant will be licensed." Upon receipt of this letter, we will be able to approve the application you submit to take the NPLEX Part

II - Clinical Science Examinations in February 2019. This letter must be sent to me via email to teresa@nabne.org and the original by mail, no later than December 30, 2018....

Answer # 3: Upon a motion by Laura Chan with a second by Erik Nelson the Board voted to write a letter for Matt Michaud stating he is still eligible and has permission to take the Naturopathic National Boards.

Question 4 (from Derek Reilly, ND)

Can ND's order PICC lines? I have asked a hospital and their risk management team didn't feel comfortable because it is not explicitly stated in the laws.

I would love to see what the board will say. My clinic deals a lot with IV treatment and this would really help us out. I would like to prescribe/order PICC lines and/or Ports for IV access if possible.

Answer #4: The Board discussed Derek Reilly's email and issued the following response: Naturopathic Doctors can prescribe/order PICC lines however they must be placed by someone who is qualified to do so.

Question 5 (from Tina Beaudoin, ND – NHAND)

I'm wondering when the jurisprudence exam for new doctors will go into effect? Also, when will the study guide or teaching guide to prepare for the exam become available?

Answer #5: The board continues to work on updating the rules at this time. It is difficult to determine when the jurisprudence exam will go into effect.

Upon the motion at 12:11 p.m. by Jacqueline Yang, N.D., with a second by Deborah Sellars, N.D., the Board voted to adjourn the meeting.